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By: **Chairman, Judiciary Committee (Maryland Judicial Conference)**

Introduced and read first time: February 8, 2001

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 21, 2001

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CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Juvenile Court - Montgomery County**

3 FOR the purpose of transferring jurisdiction over juvenile causes in Montgomery  
4 County from the District Court to the circuit court on and after a certain date;  
5 creating certain circuit court judgeships in Montgomery County; providing for  
6 the transfer of certain personnel; making certain conforming changes; providing  
7 for the application and effect of this Act; providing a delayed effective date for  
8 certain provisions of this Act; and generally relating to the transfer of  
9 jurisdiction over juvenile causes in Montgomery County from the District Court  
10 to the circuit court.

11 BY repealing and reenacting, with amendments,  
12 Article - Courts and Judicial Proceedings  
13 Section 1-503(a)(15), 3-801(i), 3-803(a), 12-403(a), and 12-701(b)  
14 Annotated Code of Maryland  
15 (1998 Replacement Volume and 2000 Supplement)

16 BY repealing  
17 Article - Courts and Judicial Proceedings  
18 Section 1-604, 3-832, and 4-403  
19 Annotated Code of Maryland  
20 (1998 Replacement Volume and 2000 Supplement)

21 BY repealing and reenacting, with amendments,  
22 Article - Family Law  
23 Section 5-701(f)

1 Annotated Code of Maryland  
2 (1999 Replacement Volume and 2000 Supplement)

3 BY repealing and reenacting, with amendments,  
4 Article - Health - General  
5 Section 10-923(a)(7)  
6 Annotated Code of Maryland  
7 (2000 Replacement Volume)

8 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
9 MARYLAND, That the Laws of Maryland read as follows:

10 **Article - Courts and Judicial Proceedings**

11 1-503.

12 (a) In each county in the first seven judicial circuits there shall be the number  
13 of resident judges of the circuit court set forth below, including the judge or judges  
14 provided for by the Constitution:

15 (15) Montgomery .....[17] 21

16 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
17 read as follows:

18 **Article - Courts and Judicial Proceedings**

19 [1-604.

20 Three of the judges in District 6 shall have as their primary duty and, if made  
21 necessary by the case load their exclusive duty, the handling of juvenile causes.]

22 3-801.

23 (i) "Court" means the circuit court of a county [or Baltimore City] sitting as  
24 the juvenile court. [In Montgomery County, it means the District Court sitting as the  
25 juvenile court and following the applicable rules of the circuit court.]

26 3-803.

27 (a) In Baltimore City, Prince George's County and in any county in which the  
28 case load requires it, one or more judges shall be assigned specially to handle cases  
29 arising under this subtitle. The assignment shall be made by the administrative judge  
30 of the circuit, subject to the approval of the Chief Judge of the Court of Appeals[,  
31 except that in Montgomery County, the assignment shall be made by the Chief Judge  
32 of the District Court, subject to the approval of the Chief Judge of the Court of  
33 Appeals]. The judges so assigned are not subject to an automatic regular rotation.

1 [3-832.

2 For purposes of Title 12 of this article, an action, decision, order, or judgment of  
3 the District Court in Montgomery County sitting as the juvenile court shall be treated  
4 in the same manner as if it had been made, done, or entered by a circuit court.]

5 [4-403.

6 In Montgomery County only, the District Court has jurisdiction in juvenile  
7 causes as provided in Title 3, Subtitle 8 of this article.]

8 12-403.

9 (a) An appeal from the District Court sitting in one of the counties shall be  
10 taken to the circuit court of the county in which judgment was entered. [In  
11 Montgomery County, an appeal from the District Court sitting as a juvenile court  
12 shall be as provided for in § 3-832 of this article.]

13 12-701.

14 (b) An appeal from [the] A judgment of a juvenile court[, including the  
15 District Court, in the exercise of its juvenile jurisdiction in Montgomery County, and]  
16 with respect to a child[, does not stay] NEITHER STAYS the [final] judgment  
17 [appealed from,] nor [does it discharge] DISCHARGES the child from THE custody of  
18 a person, institution, or agency to whose care the JUVENILE COURT HAS COMMITTED  
19 THE child [was committed by the court]. The appellate court may authorize a stay, on  
20 application and hearing, if it finds that suitable provision is made for the care and  
21 custody of the child.

22

#### **Article - Family Law**

23 5-701.

24 (f) "Court" means[:

25 (1)] the circuit court for a county sitting as a juvenile court[; or

26 (2) in Montgomery County, the District Court sitting as a juvenile  
27 court].

28

#### **Article - Health - General**

29 10-923.

30 (a) Application for placement of a child or adolescent in a private therapeutic  
31 group home may be made under this section by:

32 (7) The circuit court of a county[, Baltimore City] sitting as the juvenile  
33 court[, and in Montgomery County, the District Court sitting as juvenile court].

1 SECTION 3. AND BE IT FURTHER ENACTED, That this Act does not affect  
2 any action, decision, order, or judgment of the District Court in Montgomery County  
3 sitting as the juvenile court made prior to March 1, 2002, with respect to a proceeding  
4 transferred to the jurisdiction of the Circuit Court for Montgomery County on that  
5 date, and such action, decision, order, or judgment shall continue in effect and shall be  
6 treated in the same manner as if it had been made, done, or entered by a circuit court.

7 SECTION 4. AND BE IT FURTHER ENACTED, That this Act does not affect  
8 any juvenile causes pending in the District Court in Montgomery County at the end of  
9 February 28, 2002, other than in transfer of the causes to the Circuit Court for  
10 Montgomery County as provided in this Act, and such juvenile causes shall continue  
11 in effect and shall be treated in the manner provided for treatment of juvenile causes.

12 SECTION 5. AND BE IT FURTHER ENACTED, That this Act does not affect,  
13 and may not be construed as affecting, the instituting of any proceeding in the Circuit  
14 Court for Montgomery County on or after March 1, 2002, in accordance with this Act,  
15 based wholly or partly on acts occurring before that date and, in no way, does the  
16 repeal or amendment of any provision by this Act have the effect of releasing,  
17 extinguishing, or changing wholly or partly any penalty, forfeiture, order or judgment  
18 for restitution, order for commitment, or other action by the juvenile court in any  
19 county or Baltimore City.

20 SECTION 6. AND BE IT FURTHER ENACTED, That this Act may not be  
21 construed in any manner to constrain the power of the Chief Judge of the Court of  
22 Appeals to cross designate a judge of the District Court to a circuit court or the power  
23 of a circuit or county administrative judge to assign such cross-designated judge to sit  
24 in the juvenile court or to prevent a District Court judge from applying for a circuit  
25 court judgeship.

26 SECTION 7. AND BE IT FURTHER ENACTED, That personnel other than  
27 judges who are employed by the District Court and who are assigned to the juvenile  
28 court in Montgomery County shall be transferred to the office of the Clerk of the  
29 Circuit Court for Montgomery County without any loss of compensation or benefits  
30 solely as a result of the transfer, and the Clerk of the Circuit Court, the  
31 Administrative Office of the Courts, and the Chief Judge of the District Court shall  
32 cooperate to accomplish this transfer.

33 SECTION 8. AND BE IT FURTHER ENACTED, That Sections 2 through 7 of  
34 this Act shall take effect March 1, 2002.

35 SECTION 9. AND BE IT FURTHER ENACTED, That, except as provided in  
36 Section 8 of this Act, this Act shall take effect July 1, 2001.

